

## PLANNING COMMISSION

May 8, 2013

Action Report

### **ROLL CALL**

PRESENT: Commissioners Bit-Badal, Abelite, Cahan, Kamkar, Kline, O'Halloran  
and Yob

ABSENT: None

### **1. PUBLIC COMMENT**

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*None*

### **2. DEFERRALS**

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*None*

### **3. CONSENT CALENDAR**

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- a. **CP12-049 (Administrative Hearing)** Conditional Use Permit to allow the expansion of a church/religious assembly use to include six classrooms within an existing building on a 0.78 gross acre site in the LI-Light Industrial Zoning District, located on the east side of Seaboard Avenue approximately 190 feet southerly of West Trimble Road (2586 SEABOARD AVE) (Lu David And Kelly, Owner). Council District 4. CEQA: Exempt. *PROJECT MANAGER, MATTHEW VAN OOSTEN*

**APPROVED - RESOLUTION NO. 13-026 (7-0-0)**

- b. [CP13-003 \(Administrative Hearing\)](#) Conditional Use Permit to allow a religious assembly use (Branham Kingdom Hall) within an existing building with interior and exterior modifications, and minor site improvements on a 1.33 gross acre site in the CN Commercial Neighborhood Zoning District located on the southeast corner of Branham Lane and Speak Lane (1188 Branham Lane) (Edenvale Congregation of Jehovah's witnesses, Owner). Council District 9. CEQA: Exempt. *PROJECT MANAGER, APARNA ANKOLA*

**APPROVED - RESOLUTION NO. 13-027 (7-0-0)**

- c. [CP13-017 \(Administrative Hearing\)](#) Conditional Use Permit Renewal to allow a public eating and drinking establishment (San Jose Bar and Grill) with late night use until 2:00 a.m. daily on a 0.19 gross acre site in the DC Downtown Primary Commercial Zoning District, located at 85 South Second Street. Council District 3. CEQA: Exempt. *PROJECT MANAGER, EMILY LIPOMA*

**APPROVED - RESOLUTION NO. 13-028 (7-0-0)**

- d. [CP13-018 \(Administrative Hearing\)](#) Conditional Use Permit Renewal to allow a public eating and drinking establishment (Tres Gringos) with late night use until 2:00 a.m. daily on a 0.19 gross acre site in the DC Downtown Primary Commercial Zoning District, located at 83 South Second Street. Council District 3. CEQA: Exempt. *PROJECT MANAGER, EMILY LIPOMA*

**APPROVED - RESOLUTION NO. 13-029 (7-0-0)**

#### **4. PUBLIC HEARING**

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- a. [CP12-047 \(Administrative Hearing\)](#) Conditional Use Permit to allow the sale of alcoholic beverages for off-site consumption (Type 21 General) in a proposed convenience store within an existing tenant space on a 0.53 gross acre site in the CP Commercial Pedestrian Zoning District, located on the west side of White Road, approximately 210 feet northerly of Story Road. (1075 SOUTH WHITE ROAD) (De La Torre Props LLC, Owner). Council District 5. CEQA: Exempt. *PROJECT MANAGER, APARNA ANKOLA*

**DENIED - RESOLUTION NO. 13-030 (7-0-0)**

- b. [CP13-002. \(Administrative Hearing\)](#) Conditional Use Permit to allow the modification of an existing church to include the addition of a public school (K-5), including four new classroom buildings, on a 2.497 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the south side of Story Road, approximately 850 feet westerly of South White Road (2962 Story Road). (Alum Rock Baptist Church Of San Jose, Owner). Council District: 5. CEQA: Mitigated Negative Declaration resolution to be adopted; the public is welcome to comment on the Mitigated Negative Declaration until the end of the public comment period on April 29, 2013 (see attached Notice of Intent). *PROJECT MANAGER, REBECCA BUSTOS*

**ADOPTED MITIGATED NEGATIVE DECLARATION  
RESOLUTION NO. 13-031 (4-3-0; BIT-BADAL, CAHAN,  
& O' HALLORAN OPPOSED)**

**APPROVED - RESOLUTION NO. 13-032 (4-3-0; BIT-BADAL, CAHAN,  
& O' HALLORAN OPPOSED)**

- c. [CP13-014 & ABC13-002](#). Conditional Use Permit and Determination of Public Convenience or Necessity request to allow the off-sale of alcoholic beverages. The project includes exterior alterations to the existing 20,685 square foot vacant building within a neighborhood retail center on a 14.5 gross acres site located on the east side of South King Road, approximately 550 feet southerly of Story Road (1180 S KING RD) (PDSJ, LLC, Owner; Smart and Final Food Market, Developer). Council District 5. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, APARNA ANKOLA*

**RECOMMENDED APPROVAL (7-0-0)**

- d. [PDC12-029 – Zanker Materials Recycling Facility Rezoning](#): A Planned Development Zoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to increase the maximum height of the landfill from 50 feet to 80 feet, increase the landfill capacity from 62,000 cubic yards to 700,000 cubic yards, modify the phasing plan of daily tonnage of waste accepted, and establish a phasing plan for the development of a 200,000 square foot materials recovery facility on a 52.5 gross acre site. **Location:** North side of Los Esteros Rd., about 2,500 ft. east of Grand Ave. (675 Los Esteros Rd., APN 015-30-071). **Owner:** Zanker Road Resource Management, Ltd. **Council District:** 4 **CEQA:** Addendum to the Zanker Materials Recycling Facility EIR and subsequent MND. *PROJECT MANAGER, DAVID KEYON*

**RECOMMENDED APPROVAL (7-0-0)**

**5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR  
OTHER AGENCIES**

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*Deferred to 5/22/13*

## **6. GOOD AND WELFARE**

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- a. Report from City Council  
*Deferred to 5/22/13*
- b. Commissioners' Report from Committees:
  - 1. Norman Y. Mineta San José International Airport Noise Advisory Committee (Cahan)  
*Deferred to 5/22/13*
- c. Review and Approve Synopsis from 5/1/13.  
*Deferred to 5/22/13*
- d. Subcommittee Formation, Reports, and Outstanding Business
  - 1. Urban Design/Shopping Center Retrofit Subcommittee (Bit-Badal and Abelite)  
*Deferred to 5/22/13*
  - 2. Riparian Subcommittee (Kamkar and Cahan)  
*Deferred to 5/22/13*
- e. Commission Calendar and Study Sessions  
*Deferred to 5/22/13*